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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,206	11/17/2003	Ronald J. Gaines	RJG001	4833

7590 03/25/2005  
Thomas S. Baker, Jr.  
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EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/716,206

Applicant(s)

GAINES, RONALD J.

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13, 16-23, 26 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-15 and 24-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/17/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is the first office action for application number 10/716,206. This application contains 27 claims numbered 1-27.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 11/17/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 14-15 and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 7 recites the limitation "the lower extremes" (claim 1, line 7; claim 7, line 1). There is insufficient antecedent basis for this limitation in the claim. (See also claim 7, line 1).

Claims 14 and 24, each recites the limitation "the width" (claim 14, line 4; claim 24, line 4). There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,231,023 to Morton.

As to claim 1, Morton teaches a book holder assembly for holding an open book mounted therein at a desired book reading slope comprising. a book holder planar book support element (14) having opposed longitudinal side edges and opposed transverse bottom and top edges; a book holder planar angularity support element (20) capable of connecting along its top edge to the top edge of said book holder planar book support element by a hinge (22); eyelets (46, 48) positioned in the lower extremes of said book holder planar book support element and said book holder planar angularity support element; and a flexible cord (44) threaded through said eyelets and capable of adjustably clamped to form a closed loop of desired effective diameter that limits a slope of said book holder planar book support element to the desired book reading slope.

As to claim 2, Morton also teaches the flexible cord having a sufficient extra length beyond said closed loop whereby said flexible cord extra length may be looped over the book holder assembly to function as a bookmark if so desired.

As to claim 6, Morton also teaches a book support ledge (16) integrally formed with the bottom edge of the book holder planar book support element.

As to claim 7, Morton teaches the eyelets positioned in the lower extreme of the book holder planar book support element.

Claims 1-2 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,810,182 to Levin.

As to claim 1, Levin teaches a book holder assembly for holding an open book mounted therein at a desired book reading slope comprising. a book holder planar book support element (313) (Fig. 6a or 6c) for example) having opposed longitudinal side edges and opposed transverse bottom and top edges; a book holder planar angularity support element (313 on the back side) connected along its top edge to the top edge of said book holder planar book support element by a hinge (16); eyelets (133) positioned in the lower extremes of said book holder planar book support element and said book holder planar angularity support element; and a flexible cord (132) threaded through said eyelets and capable of adjustably clamped to form a closed loop of desired effective diameter that limits a slope of said book holder planar book support element to the desired book reading slope.

As to claim 2, Morton also teaches the flexible cord having a sufficient extra length beyond said closed loop whereby said flexible cord extra length may be looped over the book holder assembly to function as a bookmark if so desired.

As to claim 6, Levin also teaches a book support ledge (213', Fig. 6 c) integrally formed with the bottom edge of the book holder planar book support element.

As to claim 7, Levein also shows the eyelets positioned in the lower extreme of the book holder planar book support element.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morton in view US Patent No. 5,855,329 to Pagano.

Regarding claims 3-4, Morton shows generally all that is claimed except for an accessory inserted through pocket (37, 38) positioned on and attached to its reverse side and extending between the longitudinal edges of the book holder planar book support element. One skilled in the art would have been motivated to use the accessory pocket of Pagano because Pagano teaches that in order to be engageable or holdable over the respective portions of the book, a respective retaining clips or an insert page holder element slidably co-operating with the accessory insert through pockets in the book holder planar book support element is necessary.

Regarding claim 5, Morton in view of Pagano also teaches the insert page holder element being a curved page contact element in the form of a spring (40) to press against the book holder planar book support element.

***Allowable Subject Matter***

6. Claims 8-13, 16-17, 18-23 and 26-27 are allowed.

Claims 14-15 and 24-25 are rejected but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph.

7. The following is an examiner's statement of reasons for allowance: Although prior art teaches a variety of book holders having a flexible cord, it fails to teach a pair of spaced -apart book holder angularity support elements each having longitudinal side edges and transverse bottom and top edges and each jointed at its transverse top edge by a hinge to a respective top edge of one of a pair of spaced apart book holder planar book support elements; and a book holder spine support element having longitudinal edges and joined at each longitudinal edge by a hinge to a respective longitudinal side edge of one of the pair of spaced-apart book holder planar book support element in combination with other limitations which is not found in the art to be participated or rendered obvious the above claimed limitations as recited in claims 8 and 18.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,161,771 to Domeier

4,463,854 to Mackenzie

5,060,581 to Malinski

6,499,767 to Takemura

5,855,329 to Pagano

5,829,787 to Newhouse, Jr.

3,981,522 to Bloom

5,678,943 to Parsons

5,718,023 to Billish

EPO 0370961 to Clardo

The above patents disclose various types of book holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le  
Patent examiner  
March 10, 2005.



**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**